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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,715	10/22/2003	Scott Davis	NC34641	6858
22907	7590	04/17/2007	EXAMINER	
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			KEATON, SHERROD L	
			ART UNIT	PAPER NUMBER
			2109	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/17/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/691,715	DAVIS, SCOTT
Examiner	Art Unit	
sherrod keaton	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-31 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 10-22-03 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

This action is in response to the original filing of October 22, 2003. Claims 1-31 are pending and have been considered below:

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 31 is rejected under 35 U.S.C. 101 because it shows that means to perform the function is software. Software does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).

### ***Claim Objections***

2. Claim 9 is objected to because of the following minor informalities: Claim 9 has improper grammar “ the scroll bar to determine the at least a portion of information”. Appropriate correction is required.

3. Examiner's Note. The Applicant appears to be attempting to invoke 35 U.S.C. 112 6<sup>th</sup> paragraph in Claim 31 by using “means-plus-function” language. However, the Examiner notes that the only “means” for performing these cited functions in the specification appears to be software on a computer. While the claim passes the first test of the three-prong test used to determine invocation of

paragraph 6, since no other specific structural limitations are disclosed in the specification, the claims do not meet the other tests of the three-prong test.

Therefore, 35 U.S.C. 112 6<sup>th</sup> paragraph has not been invoked when considering this claim below.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6-8, 27 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukui (US 6940532 A1).

**Claim 1:** Fukui discloses a system that tracks a focus point within data comprising:

- a.) a detection component that obtains a position of the focus point within data (Column 4, Lines 40-50);
- b.) a storage component that saves the position (Column 2, Lines 3-10); and

c.) a tracking component that retrieves the position from storage component and utilizes the position to locate the focus point within data (Column 3, Lines 50-65), (Column 4, Lines 30-45).

**Claim 2:** Fukui discloses a system that tracks a focus point within data as in Claim 1 above and further discloses an input associated with one of the components tracking the focus point, end tracking the focus point and return to the focus point (Column 5, Lines 28-43).

**Claim 3:** Fukui discloses an input associated with one of the components tracking the focus point, end tracking the focus point and return to the focus point as in Claim 2 above and further discloses an input comprising one of an event, IRQ, signal flag, a request, and an audio stimulus (Column 6, Lines 45-47), (Column 7, Lines 30-42).

**Claim 4:** Fukui discloses an input associated with one of the components tracking the focus point, end tracking the focus point and return to the focus point as in Claim 2 above and further discloses one or more of the positions of the focus point and a unique identification of the focus point (Column 4, Lines 30-60), (Column 6, Lines 47-50).

**Claim 6:** Fukui discloses a system that tracks a focus point within data as in

Claim 1 above and further discloses data comprising one of a file, a document, spreadsheet, table, list, chart and a file structure (Column 8, Lines 30-42).

**Claim 7:** Fukui discloses a system that tracks a focus point within data as in Claim 1 above and further discloses a removal component that deletes the position of the focus point from the storage component after one of receiving a user request to delete the position, a time lapse and period of inactivity (Column 8, Lines 9-17).

**Claim 8:** Fukui discloses a system that tracks a focus point within data as in Claim 1 above and further discloses that the system is employed in connection with a GUI (Column 4, Lines 23-30), (Fig 4-7).

**Claim 27:** Fukui discloses a method that returns a point of focus to a user comprising:

- a.) selecting a graphical indicator that is associated with the point of focus (Column 4, Lines 40-50), (Column 6, Lines 23-60);
- b.) obtaining a position of the point of focus from the graphical indicator (Column 4, Lines 40-50), (Column 6, Lines 23-60);
- c.) utilizing the position to locate the point of focus within data (Column 4, Lines 40-50), (Column 6, Lines 23-60).

**Claim 29:** Fukui discloses a method that returns a point of focus to a user as in Claim 27 above and further discloses invoking the graphical indicator to automatically return to point of focus to the user (Column 5, Lines 28-43).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 9-18, 20-25, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (US 6940532 A1) in view of Arbab et al. (US 6778192 B2).

**Claim 5:** Fukui discloses a system that tracks a focus point within data as in Claim 1 above but does not explicitly disclose the focus point comprising one or more coordinates of the focus point relative data. However Arbab discloses a system and method for creating markers on scroll bars of a graphical user interface (Column 2, Lines 35-42). Fukui does disclose a horizontal and vertical scroll bar (Figure 3-7). Therefore it would have been obvious to one having ordinary skill in the art to create markers on the horizontal and vertical scroll bars

of Fukui to have multiple coordinates of the focus point. One would have been motivated to have multiple coordinates in order to have a precise location in reference to the marker. This would make the system more efficient.

**Claim 9:** Fukui discloses a user interface that graphically tracks a user-identified item of interest comprising:

- a.) a viewing region that provides the user a window to observe at least a portion of information from a set of information (Column 8, Lines 21-29);
- b.) a scroll bar that maps to the set of information (Column 4, Lines 23-30), (Fig 4-7);
- c.) a slider associated with the scroll bar that is moved relative to the scroll bar to determine at least a portion of information that is displayed within the viewing region (Column 4, Lines 23-30), (Fig 4-7);

Fukui does not explicitly disclose,

- d.) a component that obtains a location of the user-identified item of interest, generates a graphical indicator for the item of interest and maps the graphical indicator to the scroll bar to provide the user with a visible indication of the location of the item of interest within the info. However Arbab discloses a system and method for creating markers on scroll bars of a graphical user interface (Column 2, Lines 35-42). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to add indicators to the scroll bar of Fukui. One would have been motivated to do add the indicators as an

assistant to the markers. This provides dual identification, which is more user-friendly.

**Claim 10:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above and Fukui further discloses a scroll bar is oriented orthogonal, parallel, acute, obtuse angle with respect to an axis of the viewing region (Column 4, Lines 24-30), (Fig. 4-7).

**Claim 11:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above and Fukui further discloses that the user identifies the item of interest by highlighting the item via a mouse, keystroke, or audio stimulus (Column 4, Lines 31-59), (Column 6, Lines 11-51).

**Claim 12:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above. Arbab further discloses a system and method for creating markers on scroll bars of a graphical user interface (Column 2, Lines 35-42). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to combine the mark of Fukui and markers of on the scroll of Arbab, and by removing the mark the from the point of interest it would remove the marks on the scroll. One would have been motivated to allow the markers on the scroll to be removed when item of interest is deleted to increase user friendliness and relieve clutter.

**Claim 13:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above. Arbab further discloses a system and method for creating markers on scroll bars of a graphical user interface and further discloses allowing user to move down the scroll bar to stub points which activates the specific stub point (Column 4, Lines 45-67), (Column 5, Lines 61-67). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to allow the user to move slider to graphical indicator and invoke in Fukui. One would have been motivated to allow user to move slider to the graphical indicator increase user friendliness, because in the case that there are multiple indicators user can slide to a specific point.

**Claim 14:** Fukui and Arbab disclose that the user returns to item of interest via one of moving the slider proximate to the graphical indicator and invoking the graphical indicator as in Claim 13 above and Fukui further discloses that the graphical indicator is invoked via mouse, keystroke, or audio stimulus (Column 4, Lines 31-59), (Column 6, Lines 11-51).

**Claim 15:** Fukui and Arbab disclose that the user returns to item of interest via one of moving the slider proximate to the graphical indicator and invoking the graphical indicator as in Claim 13 above and Fukui further discloses graphical indicator automatically returns the item of interest within the viewing region (Column 5, Lines 28-43).

**Claim 16:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above and Fukui further discloses that the user changes the item of interest by moving the graphical indicator (Column 8, Lines 16-20).

**Claim 17:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above and Arbab discloses a system and method for creating markers on scroll bars of a graphical user interface and allows user to identify multiple stub points (Column 2, Lines 35-42), (Column 4, Lines 9-23). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to associate graphical indicators with one or more additional items of interest in Fukui. One would have been motivated to associate graphical indicators with one or more items of interest to allow the user to have more flexibility with the system, because many times there will be more than one point of interest.

**Claim 18:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above and Fukui further discloses that the graphical indicator is visible within the slider when the item of interest is visible within the viewing window (Column 3, Lines 55-69), (Column 4, Lines 1-9).

**Claim 20:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above and Arbab further discloses a system and method for creating markers on scroll bars of a graphical user interface (Column 2, Lines 35-42), and Fukui discloses a vertical and horizontal scroll bar (Figure 3-7). Therefore it would have been obvious to put stub points on the vertical and horizontal scroll bar to have multi-dimensional tracking. One would have been motivated to add the stub points to the horizontal scroll bar if there is extensive information that needs to be horizontally displayed.

**Claim 21:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above and Arbab further discloses a system and method for creating markers on scroll bars of a graphical user interface and further discloses an intelligence component that can designate points of interest and their importance (Column 4, Lines 23-39). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to add an intelligence component to Fukui. One would have been motivated to add the intelligence item to increase efficiency to the program, and flag items considered important to the program.

**Claim 22:** Fukui and Arbab disclose an intelligence component that facilities adding and removing the graphical indicator and returning the item of interest to the viewing region as in Claim 21 above and Arbab further discloses a system and method for creating markers on scroll bars of a graphical user interface and

further discloses the intelligence comprising statistic, probability, an inference or classifier (Column 4, Lines 23-39). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to add the intelligence to Fukui. One would have been motivated to have these intelligence programs to check items that have a tendency to change.

**Claim 23:** Fukui discloses a method that adds graphical indicia related to a point of focus comprising:

- a.) receiving an input associated with the user-identified point of focus within a list (Column 4, Lines 9-22);
- b.) obtaining a location of the user-identified point of focus within the list (Column 4, Lines 9-22);
- c.) adding a first graphical indicator to the scroll bar, the first graphical indicator provides a relative location of the user-identified point of focus within the list (Column 4, Lines 9-22).

However Fukui does not explicitly disclose adding the indicia to the scroll bar.

Arbab discloses a system and method for creating markers on scroll bars of a graphical user interface (Column 2, Lines 35-42).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to add graphical indicia related to a point of focus to the scroll bar of Fukui. One would have been motivated to have the point of focus added to the scroll bar to because scrolling through many rows of information

can be difficult and the point can be missed and stub points with different levels of importance may be overlooked.

**Claim 24:** Fukui and Arbab disclose a method that adds graphical indicia related to a point of focus to scroll bar as in Claim 23 above and Arbab further discloses a system and method for creating markers on scroll bars of a graphical user interface and further discloses multiple stub marks for specific locations (Column 4, Lines 9-22). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to add multiple graphical indicia related to a point of focus to the scroll bar of Fukui. One would have been motivated add multiple points to eliminate confusion of single or multiple points of interest.

**Claim 25:** Fukui and Arbab disclose adding a second graphical indicator to the scroll bar, the second graphical indicator is associated with the second user identified point of focus within the list as in Claim 23 above and Arbab further discloses a system and method for creating markers on scroll bars of a graphical user interface and further discloses allowing user to use multiple stub points in different positions (Column 4, Lines 9-22), (Fig. 3). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the indicator to be differentiated by position on the scroll bar of Fukui. One would have been motivated to differentiate the position to distinguish a level of importance between the points interest.

**Claim 30:** Fukui discloses a method that returns a point of focus to a user as in Claim 27 above but does not explicitly disclose manually navigating a slider proximate to the graphical indicator to return the point of focus to the user. However Arbab discloses a system and method for creating markers on scroll bars of a graphical user interface and further discloses allowing user to navigate the slider to points of interest (Column 3, Lines 55-63), (Fig. 3). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow user to manually navigate slider to points of interest. One would have been motivated to allow user to control the slider manually to give user dual control in direction and access of points of interest in close proximity.

**Claim 31:** Fukui discloses a system that graphically tracks user-identified foci comprising:

- a.) means for identifying foci (Column 4, lines 30-59);
- b.) means for generating graphical indicia associated with the foci (Column 4, Lines 30-59);

Fukui does not explicitly disclose

- c.) means for associating the graphical indicia with a positioning mechanism; and
- d.) means for employing the positioning mechanism in connection with the graphical indicia to view the foci.

However Arbab discloses a system and method for creating markers on scroll bars of a graphical user interface (Column 3, Lines 55-63). Therefore it would

have been obvious to one having ordinary skill in the art at the time of the invention to associate the indicator with the positioning mechanism and employ the connection with the view of Fukui. One would have been motivated to do so to give user a more accurate and efficient program for viewing and editing.

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (US 6940532 A1) in view of MacPhail (US 6924797 B1).

**Claim 28:** Fukui discloses a method that returns a point of focus to a user as in Claim 27 above but does not explicitly disclose positioning a pointer over the graphical indicator to obtain information indicative of the point of focus in order to facilitate selecting the desired graphical indicator from a plurality of graphical indicators. However MacPhail discloses an arrangement of information into linear form for display on diverse display devices and further discloses gathering information from selectable points (Column 8, Lines 17-50). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to add the information display for multiple points of MacPhail to Fukui. One would have been motivated to do display information of multiple points to have clarity if multiple points that are in the same area.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (US 6940532 A1) and Arbab et al. (US 6778192 B2) as applied to claim 9 above, and further in view of Eisenberg (US 6331866 B1).

**Claim 19:** Fukui and Arbab disclose a user interface that graphically tracks a user-identified item of interest as in Claim 9 above but do not explicitly disclose the graphical indicator dynamically changes in size in response to a change in size in the set of information in order to maintain relative indication of the percentage of information. However Eisenberg discloses a display control for software notes and further discloses indicator being sized based on selected portion of information (Column 2, Lines 53-67), (Column 4, Lines 1-5). Therefore it would have been obvious to one having ordinary skill in the art the time of the invention to have indicator change size based on information. One would have been motivated to change indicator size based on information to allow user to distinguish between points of slight interest and large points of focus on items that may need to be edited.

10. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (US 6940532 A1) and Arbab et al. (US 6778192 B2) as applied to claim 23 above, and further in view of MacPhail (US 6924797 B1).

**Claim 26:** Fukui and Arbab disclose a method that adds graphical indicia related to a point of focus to scroll bar as in Claim 23 above but do not explicitly disclose positioning a pointer proximate to the graphical indicia to obtain information indicative of the point of focus. However MacPhail discloses an arrangement of information into linear form for display on diverse display devices and further discloses placing pointer over selectable points to obtain information (Column 9, Lines 15-26). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to add the information display of MacPhail to the scroll bar of Fukui. One would have been motivated to do have the information display for rapid selection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES MYHRE can be reached on 571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK  
3-19-07



James Myhre  
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